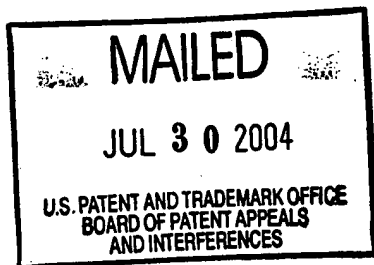


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The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES



Ex parte Nigel D. Young

Appeal No. 2004-1647  
Application No. 10/084,723

ON BRIEF

Before PAK, WARREN, and KRATZ, Administrative Patent Judges.  
PAK, Administrative Patent Judge.

REMAND TO THE EXAMINER

This case is not ripe for meaningful review and is, therefore, remanded to the examiner for appropriate action consistent with the views expressed below.

At pages 3, 5, 7 of the Answer dated January 13, 2004, the examiner sets forth the following rejections:

[I.] Claims 1-3, 6, 8-11 & 13 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,323,832 [issued to] Nishizawa et al. [on Nov. 27, 2001]....

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Application No. 10/084,723

[II.] Claims 4 & 5 are rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 6,323,832 [issued to] Nishizawa et al. [on Nov. 27, 2001]....

[III.] Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 6,323,832 [issued to] Nishizawa et al. [on Nov. 27, 2001] in view of U.S. Patent No. 5,821,688 [issued to] Shanks et al. [on Oct. 13, 1998].

To maintain the above rejections, the examiner at page 8 of the Answer refers to *Merriam Webster's Collegiate Dictionary*, 10<sup>th</sup> ed. (2001) to define the meaning of the claim language "pixel electrodes". In response to the examiner's positions set forth in the Answer, the appellant submits not only a Reply Brief, but also seven sample articles. See the Reply Brief dated March 9, 2004. The examiner states that "[t]he [R]epley [B]rief filed 3/9/04 has been entered and considered." See the Communication dated May 17, 2004. Nowhere does the examiner, however, indicate the status of the seven sample articles attached to the Reply Brief dated March 9, 2004.

Thus, we remand this application to the examiner to clarify the status of these seven sample articles. The examiner must indicate whether or not the seven sample articles referred to in the Reply Brief are entered. If the examiner approves entry of the seven sample articles consistent with the provision of 37 CFR

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§ 1.195, the examiner is required to address the appellant's arguments drawn to those articles in the Reply Brief. Pursuant to 37 CFR § 1.193(b)(1)(2003), we authorize the examiner to submit a Supplement Examiner's Answer addressing the above matter if the examiner deems it necessary.

This application, by virtue of its "special" status, requires immediate action, see MPEP & 708.01 (8<sup>th</sup> ed. Aug. 2001), item (D). It is important that the Board of Patent Appeals and Interferences be promptly informed of any action affecting the appeal in this case.

REMAND

CHUNG K. PAK  
Administrative Patent Judge

CHARLES F. WARREN  
Administrative Patent Judge

PETER F. KRATZ  
Administrative Patent Judge

BOARD OF PATENT  
APPEALS  
AND  
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CKP/lp

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